

COURTS

Ex-Sheriff Brennan's Suit Against the City for Fees as Sheriff.

Charge of Fraud and Counter Claim for Overcharges.

Tenure of Office of District Court Clerks.

Execution Against Tweed Upon the Judgment in the Six Million Dollar Suit.

A suit, the result of which will, doubtless, be watched with no little interest, was commenced yesterday, before Judge Van Hoesen, in the Court of Common Pleas. The suit is one brought by ex-Sheriff Brennan to recover a portion of his fees as sheriff during part of the year 1872. The complaint states that during the months of January, February, March, April, May, June, July, August and September of the year 1872 Mr. Brennan was Sheriff of the county of New York, and that his advances and fees during the months named amounts to the sum of \$12,000, and that the sum of \$12,000 was duly audited and allowed by the Board of Supervisors, and that payment was retained by the Comptroller. He seeks judgment, therefore, against the city for the sum stated, with interest.

The answer denies that the plaintiff performed all the services set forth in the complaint, and alleges that his bills were false; it further states that the plaintiff in his report to the Secretary of State for the nine months in question reports 20,301 convictions, but now falsely claims to have reported 23,742 convictions, upon which he seeks to recover a percentage of fifty cents on each conviction. There is a further allegation that the plaintiff, in claiming twelve and a half cents each on 29,980 police convictions was wholly unentitled for the reason that he never reported any of these convictions, conveying 18,881 prisoners, at \$1.75 a head, to other prisons than State Prison, and amounting to \$31,641.71, is alleged to be false, because he really conveyed only 18,881 prisoners, and that the balance of the sum declared to be false. He charges for conveyance of 1,500 police court prisoners to prisons other than State Prison, and the balance of the sum declared to be false. For the overcharge the city sets up a counter claim for \$40,000, on overcharges in 1871. The court has appointed Judge Van Hoesen to hear the case on March 31, 1876, he filed 1,041 convictions at police courts which were not reported, and for the quarter ending June 30 he claimed for 9,704 police court convictions, which he did not report, and which he claimed to have provided him compensation, as they are made by the police.

The first situation was Mr. Sparks, Clerk of the courts of Oyer and Terminer and General Sessions, who produced a record of convictions in Oyer and Terminer and General Sessions, and the evidence on the ground that under the statute the judgment of the Supervisors was final and conclusive; that they were a judicial body, and that to Court and the city to go into the details as to whether they had the proper figures before them when auditing. Judge Van Hoesen overruled the objection, holding that the city was not to be prejudiced by the excess of authority by the Supervisors.

Mr. Sparks testified that in 1871 the convictions in both courts for which the sentences were less than State Prison were: Penitentiary, 197 males and 19 females; to City Prison, 5 boys and 1 girl; to the House of Refuge, 22 boys and 1 girl; to the House of Refuge, 31 females were sent to State Prison; in 1872, 44 males and 27 females were sent to State Prison; to the Penitentiary, 249 males and 1 girl; to the House of Refuge, 1 prisoner to the House of Refuge; these figures did not include convictions where sentences were suspended.

DISTRICT COURT CLERKS.

The question as to whether the term of the clerks of the ten district courts who held office prior to the 1st of January last expired at that time was argued at length yesterday in the General Term of the Court of Common Pleas. A quo warranto suit was brought in order to annul the election. John J. Healey, Jr., was appointed clerk of the District Court under the act of 1872, and on the 1st of January last Henry Leek was appointed in his place. It is claimed by Leek that his term of office expired on the 1st of January last, and that he was entitled to hold office until the expiration of the term of Judge Kane, by whom he was appointed. The Court took the papers, reserving its decision.

EXECUTION AGAINST TWEED.

Mr. Wheeler H. Peckham placed in the hands of the Sheriff of this county yesterday an execution against the property of William M. Tweed. The amount which the execution calls for is \$6,652.10, with interest from the date of entry of call. A similar execution was forwarded at the same time to the Sheriff of the county of Monroe, at which it is understood, is intended to reach some property of Tweed which he has in that county. In this county there is still considerable real estate held under attachments issued against Tweed, but it is not probable that they will be realized on the executions now to be issued.

DANIEL R. LYDDY'S CASE.

The name of Daniel R. Lyddy, under indictment for indecent assault, was on the calendar of the Court of General Sessions yesterday. Assistant District Attorney Lyons read him to the bar, but he did not appear. His bondsmen, Mr. James C. Smith and Mr. John C. Smith, were in default of his appearance the \$500 bail was forfeited. The Court took the papers, reserving its decision.

SUMMARY OF LAW CASES.

Judge Lawrence, holding Supreme Court, Chambers, was yesterday attacked by vertigo shortly after the opening of the Court, compelling an adjournment. Judge Barrett and Judge Donohue signed ex parte orders. Twenty-two young men anxious to enter the legal arena were yesterday examined for admission to the bar. Messrs. John L. Hill, Freling H. Smith and Arthur H. Sanger were the examining committee.

CUT WITH A LAZOR.

Henry Wilson, who formerly assisted Thomas Coakley, of No. 133 West 10th street, by cutting him with a razor on May 1, pleaded guilty, and was sent by the Recorder to State Prison for four years.

THREE PATRICKS.

Patrick Costello pleaded guilty to committing a burglary at the store of Patrick J. Murray, No. 443 First avenue, on the 12th of March, and stealing 2,500 cigars, \$20 in money and a pistol, the property of Patrick J. Higgins. State Prison three years and six months.

PLEAS AND SENTENCES.

Edward Fanning, a boy of fourteen, living at No. 119 Chambers street, who, on May 6, entered the apartments of Miranda Carter, No. 237 West Fifth street, and stole a watch worth \$50 and a pocketbook containing \$3, pleaded guilty and was sent to the Penitentiary for six months.

FIFTY-SEVENTH STREET COURT.

Before Judge Kassira. A DISHONEST TRANSACTION. W. B. Nelson, an auctioneer, was brought up on a summons, issued on the complaint of Bernard Travers, a wealthy millinery dealer of Broadway, who charged that he had been swindled out of \$75. Mr. Travers brought suit at auction, of the defendant, a term of months, which were guaranteed to be found. Mr. Travers paid \$75 on account and the Court was to try him. He then demanded the return of his money and was refused. He then demanded the return of his money and was refused. He then demanded the return of his money and was refused.

DECISIONS.

SUPREME COURT-CHAMBERS.

By Judge Lawrence. Davis vs. Levey.—The motion to vacate the order of arrest was granted. The complaint is based upon the same facts as are disclosed by the affidavit on which the order of arrest was granted. In other words, the same facts of action and the ground of arrest are the same on familiar principles; therefore, I cannot vacate the order of arrest on a motion. The case may be advanced on the calendar if the defendants are in prison, pursuant to the provisions of Rule 45. No costs.

THE RESULTS OF A SPIRIT.

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A SUSPICIOUS CHARACTER.

William Clarendon, who said he lives at No. 420 East Seventeenth street, was charged with burglary. He was arrested in East Fifty-third street on Wednesday night, immediately after a burglary had been committed at No. 323 in the same street. A lot of skeleton keys were found upon him, but he accounted for them by saying that he was in agent for a lock manufacturer. The Court took the papers, reserving its decision.

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John Burns, charged with stealing a gold watch and chain from C. V. R. Van Winkle, of Patterson, N. Y., was yesterday committed to answer in default of \$1,000 bail, by Justice Smith, at the Washington Place Police Court.

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POLICY "BACKERS."

John Mulvaney, alias John Sullivan, was arrested of keeping a policy at No. 359 East Thirty-fourth street. He denied that he was the owner, but admitted that he was employed by Cornelius B. Parker, of No. 463 Third avenue, who is a well known "policy backer," or one who advances money to others to run policy shops. Mulvaney was accordingly arrested for the arrest of Parker, and his son and himself were brought before Court for Officer Leary, of the Court Squad. Both were held for trial in \$500 each, which they furnished.

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